

## DEFINITIONS

**"Blind Trust"** means a trust established by a state officer or state employee or the individual's spouse for the purpose of divestiture of all control and knowledge of assets. K.A.R. 19-41-1.

**"Business"** means any corporation, association, partnership, proprietorship, trust, joint venture, or a governmental agency unit, or a governmental subdivision and every other business interest, including ownership or use of land for income. K.S.A. 46-230.

**"Combination of businesses"** means any two or more businesses owned or controlled directly by the same interests. K.A.R. 19-41-1.

**"Compensation"** means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by such person or another. K.S.A. 46-215.

**"Description of interests"** means the type of ownership interest held, including common stock, preferred stock, stock option and limited partnership. K.A.R. 19-41-1.

**"Equitable interest"** means an actual beneficial ownership, though legal title may not be shown on public, partnership or corporate records. K.A.R. 19-41-1.

**"Gift"** means the transfer of money or anything of value unless legal consideration of a reasonably equal or greater value is received in return. K.A.R. 19-40-3a(b).

**"Other business interest"** means any endeavor which produces income, including appraisals, consulting, authorships, inventing or the sale of goods and services. It is unnecessary, for the purposes of this definition, that the interest have a formal business name or formal business structure. K.A.R. 19-41-1.

**"Ownership interest"** means a legal or equitable interest in any business or combination of businesses. K.A.R. 19-41-1.

**"Person"** means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency unit, or subdivision. K.S.A. 46-223.

**"Trust"** means a trust in which any state officer or employee or the individual's spouse has a present or future interest which exceeds five per cent of the value of the trust or exceeds five thousand dollars, whichever is less, but does not include blind trusts. K.A.R. 19-41-1.

**"Type of business"** means the nature of the business activity in which the entity engages, including construction, retailing and manufacturing. K.A.R. 19-41-1.

## GUIDE

- A-B. NAME & POSITION: Self explanatory. See K.A.R. 19-41-3(a).
- C. OWNERSHIP INTERESTS: The value or percentage of a business interest is to be determined at the time of the required filing. The value assigned to a holding is the fair market value. Ownership of other stocks and shares, including traded and closely held stocks shall constitute legal or equitable interest for the purpose of this section. In addition all retirement accounts and mutual funds must be listed. In reporting retirement accounts and mutual funds include the name of the entity that holds the retirement plan assets or mutual funds and not the specific holdings of that plan, unless the holdings are specifically owned in the individual's name. Business interests include, among other things, property held for rental, farming, commercial purposes and ownership of mineral rights. Also included are businesses operated out of your home which require a tax identification number. The address reported for land without a street address should include the rural route, town and state or township, county and state. **For the purpose of this section, certificates of deposit, bank savings or checking accounts in a savings and loan, shares in a credit union, life insurance policies, annuities, notes, bonds, debentures and mortgages need not be disclosed under this provision.** See K.A.R. 19-41-3(b) and Governmental Ethics Commission Opinion 2000-52.
- D. GIFTS OR HONORARIA: If a gift is received for which the value is unknown, you are required to list the donor. You are not required to list the donor of a gift (1) if the gift or bequest was received as the result of the death of the donor; (2) if the gift was from a spouse, parent, grandparent, sibling, aunt or uncle; or (3) if acting as a trustee of a trust for the benefit of another. See K.S.A. 46-229(c).
- E. COMPENSATION: The disclosure required under this section shall include the name and address of the business or combination of businesses, the type of business and a description of whether the compensation was received by the individual, the individual's spouse, or both. The receipt of interest, dividends and mineral royalties does not constitute "compensation" as the term is defined, and those matters need not be reported under this provision; however, ownership interest concerning these items may need to be reported under section "C". See K.A.R. 19-41-3(c).
- F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: The disclosure under this section shall include the name and address of the business and the position held. Holding the position of administrator or executor of an estate shall not be considered reportable under this section. See K.A.R. 19-41-3(e). The holding of a position of officer or director of an organization or business includes for profit and nonprofit organizations.
- G. RECEIPT OF FEES AND COMMISSIONS: The disclosure under this section shall include the name and address of the client or customer and a description of whether the fees or commissions were received by the individual, the individual's spouse, or both. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. See K.A.R. 19-41-3(d). An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision.

## WHO FILES

Individuals required to file written Statements of Substantial Interests (SSI) forms, include:

1. Persons holding an elected state office (K.S.A. 46-247(a) and (b));
2. Candidates for an elected state office (K.S.A. 46-247(a) and (b));
3. Persons whose state position is subject to senate confirmation (K.S.A. 46-247(d));
4. General counsels for state agencies (K.S.A. 46-247(e));
5. State officers, employees and members of boards, councils and commissions who are listed as designees (K.S.A. 46-247(c)). Pursuant to K.S.A. 46-282, designee means:
  - (a) Any state officer, employee or member of any agency, department, division, bureau or other unit of state government who holds a position: (1) Defined as a major policy making position; (2) responsible for contracting, purchasing or procurement, except persons whose sole responsibility is the purchasing of gasoline or emergency repair for a state vehicle assigned to them for their use or persons whose sole responsibility relating to purchasing or procurement includes only transactions pursuant to pre-existing state contracts; (3) responsible for writing or drafting specifications for contracts; (4) responsible for awarding grants, benefits or subsidies; or (5) responsible for inspecting or regulating any person or entity.
  - (b) Designee does not include any drivers license examiner of the department of revenue or any person performing ministerial functions.
6. Administrator or executive director of the:
  - a. Education Commission of the States;
  - b. Interstate Compact on Agricultural Grain Marketing;
  - c. Mo-Kan Metropolitan Development District and Authority Compact;
  - d. Mid-West Nuclear Compact;
  - e. Central Interstate Low-Level Radioactive Waste Compact;
  - f. Multistate Tax Compact;
  - g. Kansas-Oklahoma Arkansas River Basin Compact;
  - h. Kansas-Nebraska Big Blue River Compact; and
  - i. Multistate lottery (K.S.A. 46-247(f));
7. Private consultants for any state agency who are under contract to evaluate bids for public contracts or to award public contracts (K.S.A. 46-247(g));
8. Faculty members or other employees of a postsecondary educational institution who provide consulting services and who, on behalf of the person for which consulting services are provided:
  - a. Promotes or opposes action or nonaction by any federal agency, any state agency, or any political subdivision of the state or any agency of such political subdivision or a representative of such state agency, political subdivision or agency; or
  - b. Promotes or opposes action or nonaction relating to the expenditure of public funds of the federal government, the state or political subdivision of the state or agency of the federal government, state or political subdivision of the state (K.S.A. 46-247(h));
9. High School Activities Association's Executive Director and all other personnel, except custodial, clerical or maintenance personnel employed by the executive board (K.S.A. 72-130).

## **WHEN**

In accordance with K.S.A. 46-248, the Statement of Substantial Interests shall be filed at the following times:

- (1) annually between April 15 and April 30, for an individual, other than a candidate who is appointed or takes office on or before April 30 in any year;
- (2) within 15 days after the appointment and annually thereafter between April 15 and April 30 for an individual, other than a candidate, who is appointed after April 30 in any year;
- (3) on the date of the filing deadline or within 10 days thereafter, for an individual who becomes a candidate on or before the date of the filing deadline for that office, unless within that period the candidacy is officially declined or rejected; or
- (4) within five days of becoming a candidate, for an individual who becomes a candidate after the date of the filing deadline for that office, unless within that period the candidacy is officially declined or rejected .

Please Note: Individuals who have on file a Statement of Substantial Interests for the current year are not required to file any additional statements for that period. Also, if an individual serves in more than one capacity for which a Statement is required to be filed, the individual shall be required to file only a single Statement of Substantial Interests for all capacities for which a Statement is required to be filed.

## **WHERE**

In all cases, the Statements of Substantial Interests are filed with the Kansas Secretary of State, Elections Division, 120 SW 10<sup>th</sup>, 1<sup>st</sup> Floor, Memorial Hall, Topeka, KS 66612.